

1 Kevin C. Barrett, State Bar No. 020104
2 Amanda J. Taylor, State Bar No. 024006
3 **Barrett & Matura, P.C.**
4 8925 East Pima Center Parkway, Suite 100
5 Scottsdale, Arizona 85258
6 Telephone: (602) 792-5705
7 Facsimile: (602) 792-5710
8 kbarrett@barrettmatura.com
9 ataylor@barrettmatura.com

10 *Attorneys for Defendant American Family
11 Mutual Insurance Company*

12 **IN THE UNITED STATES DISTRICT COURT**

13 **DISTRICT OF ARIZONA**

14 TYLER JACOBSON, an individual,
15 CATHY JACOBSON and WILLIAM
16 JACOBSON, husband and wife,

17 Case No. CV-17-04373-PHX-GMS

18 **NOTICE OF REMOVAL**

19 Plaintiffs,

20 v.

21 AMERICAN FAMILY MUTUAL
22 INSURANCE COMPANY, a foreign
23 corporation; KERRY HANSON, an
24 individual; KERRY HANSON AGENCY,
25 INC., an Arizona corporation; XYZ
Corporations I-X; and ABC Partnerships I-X,

26 Defendants.

27 Defendant American Family Mutual Insurance Company (“American Family”), by
28 and through counsel undersigned, submits this Notice of Removal pursuant to 28 U.S.C. §
1446(a) and provides the following grounds for removal.

1. This matter was commenced in the Superior Court of the State of Arizona in
2 and for the County of Maricopa on October 30, 2017 with the filing of a Complaint,
3 Certificate of Arbitration, Demand for Jury Trial, and Offer of Judgment.

2. The Summons, Affidavit of Service, Complaint, Certificate of Arbitration,
3 Civil Cover Sheet, Demand for Jury Trial, Notice of Removal to US District Court,
4 Answer, Certificate of Expert Testimony, Stipulation to Dismiss Defendants Kerry

1 Hanson and Kerry Hanson Agency, Inc., and Order Dismissing Defendants Kerry Hanson
2 and Kerry Hanson Agency, Inc. constitutes all process and proceedings filed by either
3 party in the Superior Court, copies of which are attached hereto at Exhibit A.

4 3. Defendant American Family is a stock insurance company, whose parent
5 company is AmFam Holdings, Inc., a wholly owned subsidiary of American Family
6 Insurance Mutual Holding Company, a domestic insurance holding company with its
7 principal place of business and citizenship in the State of Wisconsin. Plaintiffs Tyler
8 Jacobson, Cathy Jacobson, and William Jacobson are residents of the State of Arizona
9 [Amended Complaint, CV-17-04373-PHX-GMS Doc.10].

10 4. This action is one over which the United States District Courts have
11 jurisdiction pursuant to 28 USC § 1332, by reason of the diversity of the citizenship of the
12 parties.

13 5. Defendant American Family initially removed this matter to Federal Court
14 on November 29, 2017, within 30 days after receipt of the initial pleadings. [CV-17-
15 04373-PHX-GMS, Doc. 1].

16 6. Thereafter, American Family timely filed its Answer. [Doc. 8].

17 7. On December 27, 2017, Plaintiff Tyler Jacobson filed an Amended
18 Complaint adding his parents, Cathy and William Jacobson as plaintiffs, and adding two
19 defendants: Kerry Hanson, an Arizona resident, and Kerry Hanson Agency, Inc., an
20 Arizona corporation. [Doc. 10].

21 8. The same day, Plaintiffs filed a Motion to Remand this matter back to state
22 court. [Doc. 11]. The addition of these two defendants eliminated this Court's diversity
23 jurisdiction and, therefore, Defendant American Family did not oppose the remand. [Doc.
24 20].

25 9. This case was remanded to the Arizona State Superior Court on January 11,
26 2018. [Doc. 21].

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1 10. On April 13, 2018, the parties stipulated to dismiss Defendants Kerry
2 Hanson and Kerry Hanson Agency, Inc. from this matter. (*See* Stipulation to Dismiss,
3 attached as Exhibit A).

4 11. On April 23, 2018, an Order was issued granting dismissal with prejudice as
5 to Defendants Kerry Hanson and Kerry Hanson Agency, Inc. (*See* Order Granting
6 Stipulation for Dismissal, attached as Exhibit A).

7 12. Because of their dismissal, there is once again diversity of the parties and
8 this Court will have original jurisdiction pursuant to 28 U.S.C. § 1332(a)(1).

9 13. No substantial actions have been taken in this case since its remand and
10 there is currently no scheduling order in place.

11 14. Defendant American Family has filed this Notice within 30 days after
12 receipt of the Stipulation to Dismiss Defendants Kerry Hanson and Kerry Hanson
13 Agency, Inc., and within one year after the commencement of the action. Removal is
14 therefore timely pursuant to 28 U.S.C. § 1446(b)(3).

15 15. The amount in controversy exceeds the requisite \$75,000. [Doc. 10].

16 16. A copy of this Notice is being filed with the Clerk of the Superior Court of
17 the State of Arizona in and for the County of Maricopa.

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1 WHEREFORE, Defendant American Family respectfully requests that this action
2 be removed from the Superior Court of Arizona in and for the County of Maricopa to the
3 United States District Court for the District of Arizona, and that further proceedings in the
4 Superior Court of Arizona in and for the County of Maricopa regarding the action be
5 stayed pursuant to 28 U.S.C. § 1446.

6 Dated on April 24, 2018.
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10 BARRETT & Matura, P.C.
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15 By: /s/ Kevin C. Barrett
16 Kevin C. Barrett
17 Amanda J. Taylor
18 8925 East Pima Center Parkway
19 Suite 100
20 Scottsdale, Arizona 85258
21 Attorneys for American Family Insurance
22 Company
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served on April 24, 2018 through the Court's CM/ECF system on the following parties:

Brett L. Slavicek
James E. Fucetola
Trevor R. Orme
The Slavicek Law Firm
5500 N. 24th Street
Phoenix, Arizona 85016
Attorneys for Plaintiffs

/s/ Carolyn Harrington
Carolyn Harrington